IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT APPEAL NO : 1859 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 19/07/2004 in WP NO : 12249 OF 2004 on the file of the High Court.)

Between:

W. Narayana S/o Vittal
R/o Mudhole Village, Adilabad District

..... APPELLANT

AND

1. The Industrial Tribunal-cum-Labour Court,

rep by Chairman Godavarikhani,
Karimnagar District
2. The Depot Manager, APSRTC., Nirmal, Adilabad District
3. The Regional Manager, APSRTC, Adilabad Region, Adilabad

....RESPONDENTS

Counsel for the Appellant: MR.A.K.JAYAPRAKASH RAO

Counsel for the Respondent No.1: GP FOR LABOUR

Counsel for the Respondents 2 and 3: Smt P.Rajani Reddy, Standing Counsel for APSRTC.

The Court at the admission stage made the following:

JUDGMENT: **(PER HON'BLE SRI JUSTICE G.BIKSHAPATHY)**

This Writ Appeal is directed against the order dated 19.07.2004 passed by the learned single Judge in W.P. No. 12249 of 2004.

2. The appellant raised an industrial dispute in I.D. No. 260 of 1992 challenging the termination order passed by the management of APSRTC. In the said dispute the Tribunal passed an award on 06.02.1995 directing appointment of the appellant as a fresh candidate subject to certain conditions. However, the appellant did not approach the authorities for issuing appointment order. In fact, the appellant has to report duty to the authorities within 60 days from the date of Award. But, after a lapse of nearly seven years, he filed the Writ Petition challenging the proceedings issued by the A.P.S.R.T.C dated 27.04.2004 and also conditions imposed in the Award in I.D. No. 260 of 1992. The learned single Judge dismissed the Writ Petition on the ground of laches. Against the said order, the present Writ Appeal has been filed.

3. The learned counsel for the Appellant submits that the entire matter was entrusted to the Appellant counsel and the Award was sent to the counsel and the appellant was not aware of the Award of the Tribunal. In such a situation the laches cannot be put against the Appellant, and that he is ready and willing to report for the duty, even today also. He further submits that no prejudice will be caused to the corporation, if the appellant is employed afresh as a conductor. We are afraid that we cannot accept the contentions raised by the learned counsel for the appellant. The appellant raised an industrial dispute and it is incomprehensible that he did not approach his counsel for several years. Admittedly, the Award was passed on 06.02.1995 and it was sent to his village address and there was no response. Even

in the representation filed by the appellant to the A.P.S.R.T.C authorities, he stated that he shifted his residence from his village to Hyderabad. In such a situation the management cannot be found fault for not complying the Award. Thus, we do not find that the clear and un-explained latches on the part of the appellant and the reasons assigned by the learned Judge cannot be set aside and thus, we do not find any merits in the Writ Appeal.

4. Accordingly, the Writ Appeal is dismissed. No costs.

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G. BIKSHAPATHY ,J

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B.SESHASAYANA REDDY,J

kvrm/bcj

To

1. The Industrial Tribunal-cum-Labour Court,

rep by Chairman Godavarikhani,
Karimnagar District
2. The Depot Manager, APSRTC., Nirmal, Adilabad District
3. The Regional Manager, APSRTC, Adilabad Region, Adilabad

4. 2 CCs to GP for Labour, High Court Buildings, Hyderabad (OUT)

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